

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (CGM)

Plaintiff-Applicant,

SIPA Liquidation
(Substantively Consolidated)

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant,

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and Bernard L. Madoff,

Adv. Pro. No. 12-01677 (CGM)

Plaintiff,

v.

SOCIETE GENERALE PRIVATE BANKING
(SUISSE) S.A. (*f/k/a* SG Private Banking Suisse
S.A.), individually and as successor in interest to
Societe Generale Private Banking (Lugano-
Svizzera) S.A.; SOCGEN NOMINEES (UK)
LIMITED; LYXOR ASSET MANAGEMENT
INC. (*f/k/a* SG Asset Management, Inc.), as
General Partner of SG AM AI Premium Fund
L.P.; SG AUDACE ALTERNATIF (*f/k/a*
SGAM AI Audace Alternatif), now acting by
and through its manager, Lyxor Asset
Management S.A.S.; SGAM AI EQUILIBRIUM
FUND (*f/k/a* SGAM Alternative Diversified
Fund), now acting by and through its liquidator,
KPMG Advisory Sarl; LYXOR PREMIUM
FUND (*f/k/a* SGAM Alternative Multi Manager
Diversified Fund), now acting by and through its
trustee, Societe Generale S.A.; SOCIETE
GENERALE S.A., as Trustee for Lyxor

Premium Fund and Successor in Interest to Banque de Reescompte et de Placement a/k/a Barep and to Societe Generale Asset Management Banque d/b/a Barep; SOCIETE GENERALE LUXEMBOURG (*f/k/a* Societe Generale Bank & Trust S.A.); OFI MGA ALPHA PALMARES (*f/k/a* Oval Alpha Palmares); OVAL PALMARES EUROPLUS; and UMR SELECT ALTERNATIF;

Defendants.

STIPULATION AND ORDER TO WAIVE ARGUMENT

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–*III*, and the Chapter 7 estate of Bernard L. Madoff, on the one hand, and defendants Societe Generale Private Banking (Suisse) S.A. (*f/k/a* SG Private Banking Suisse S.A.), individually and as successor in interest to Societe Generale Private Banking (Lugano-Svizzera) S.A.; Socgen Nominees (UK) Limited; Lyxor Asset Management Inc. (*f/k/a* SG Asset Management, Inc.), as General Partner of SG AM AI Premium Fund L.P.; SG Audace Alternatif (*f/k/a* SGAM AI Audace Alternatif), now acting by and through its manager, Lyxor Asset Management S.A.S.; SGAM AI Equilibrium Fund (*f/k/a* SGAM Alternative Diversified Fund), now acting by and through its liquidator, KPMG Advisory Sarl; Lyxor Premium Fund (*f/k/a* SGAM Alternative Multi Manager Diversified Fund), now acting by and through its trustee, Societe Generale S.A.; Societe Generale S.A., as Trustee for Lyxor Premium Fund and Successor in Interest to Banque de Reescompte et de Placement a/k/a Barep and to Societe Generale Asset Management Banque d/b/a Barep; and Societe Generale Luxembourg (*f/k/a* Societe Generale Bank & Trust S.A.) (collectively, the “SG Defendants,” and together with the

Trustee, the “Parties”), on the other, by and through their respective, undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on April 29, 2022, the SG Defendants filed a motion to dismiss the Trustee’s complaint (the “SG Motion”), ECF No. 143, with a supporting declaration and memorandum of law, ECF Nos. 144-145; on June 28, 2022, the Trustee filed a combined opposition to the SG Motion and a separate motion filed by additional defendants, ECF No. 155, with supporting declarations, ECF Nos. 156-157; and on August 26, 2022, the SG Defendants filed a reply and supporting declaration in further support of the SG Motion, ECF Nos. 168-169;

WHEREAS, pursuant to an amended notice of hearing, ECF No. 151, the Court scheduled a hearing to consider the SG Motion to be held on September 14, 2022, at 10:00 am; and

WHEREAS, the Parties have met and conferred and have agreed to rest on their papers and waive oral argument on the SG Motion.

IT IS HEREBY STIPULATED AND AGREED, by the Parties, and **SO ORDERED**, by the Court:

1.) The Court will not hear oral argument on the SG Motion, and the hearing scheduled for September 14, 2022, at 10:00 am, to consider the SG Motion is cancelled and will be removed from the Court’s calendar.

2.) The Parties otherwise reserve all rights, arguments, objections and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, objections, and defenses.

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Dated: New York, New York
August 31, 2022

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S.A., Socgen Nominees (UK) Limited, Lyxor Asset
Management Inc., SG Audace Alternatif, now acting by
and through its manager, Lyxor Asset Management
S.A.S., SGAM AI Equilibrium Fund, now acting by and
through its liquidator, KPMG Advisory Sarl, Lyxor
Premium Fund, now acting by and through its trustee,
Societe Generale S.A., Societe Generale S.A., as
Trustee for Lyxor Premium Fund and Successor in
Interest to Banque de Reescompte et de Placement a/k/a
Barep and to Societe Generale Asset Management
Banque d/b/a Barep, and Societe Generale Luxembourg*

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SO ORDERED.

**Dated: September 1, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**